

SFY 2022 Native American Programs Subgrant Application

Title II Formula Grant
South Dakota Department of Corrections
APPLICATION DUE: June 4, 2021

Applicants with original signatures must be submitted and received by the Department of Corrections by the close of business on **June 4, 2021**. Faxed and emailed applications will not be accepted. Submit complete applications to:

*Bridget Coppersmith
Department of Corrections
3200 East Highway 34
Pierre, SD 57501-5070*

RECEIVED
JUN 01 2021
DEPT. OF CORRECTIONS

The application must include a brief and clear description of each component. It is important to follow all directions, provide complete information, and submit the materials in the order requested. If you need additional room to respond to the components, please attach additional sheets. This is a competitive subgrant program and funding is not guaranteed to all those who apply.

SECTION 1. APPLICANT INFORMATION

Applicant: Sisseton-Wahpeton Oyate Court		
Address: P.O. Box 568		
City/State/Zip: Agency Village, SD 57262	Phone: 605-698-7629	Fax: 605-698-4135
Email: hon.bj.jones@gmail.com	Federal Employer or Payee Identification Number (FEIN):	
Project Director Name: Mary High Eagle		Title: Court Administrator
Agency: Tribal Court	Address: P.O. Box 568	
City/State/Zip: Agency Village, SD 57262	Phone: 605-698-7629	Fax: 605-698-4135
Email: MaryH@swo-nsn.gov		
Please indicate the name of the service(s) implemented:		
Sisseton-Wahpeton Juvenile Court		
Project Title:	Sisseton-Wahpeton Juvenile Diversion Program	
Project Period:	July 1, 2020 – June 30, 2021	

SECTION 2. PROJECT BUDGET

The Council of Juvenile Services will award or not award funding based the extent to which program design addresses a recognized need and whether the proposal is financially responsible and efficient. Funds will be paid through a reimbursement process for items specifically outlined and approved in the application.

Applicants may apply for up to \$50,000.

Non-supplanting Requirements: Funds or other resources of the applicant normally devoted to programs and activities designed to meet the needs of criminal justice will not be diminished in any way as a result of a grant award of federal funds. The project for which assistance is being requested will be in addition to, and not a substitute for, criminal justice services previously provided without federal assistance.

A. Personnel	TOTAL
\$38,000	\$ 38,000.00
Employee Fringe Benefits	\$12,000.00
TOTAL	\$ 50,000.00
B. Contracted Services	TOTAL
	\$
TOTAL	\$
C. Travel and Per Diem	TOTAL
	\$
TOTAL	\$
D. Equipment	TOTAL
TOTAL	\$
E. Operating Expenses	TOTAL
	\$
TOTAL	\$
Total Project Budget -- Combined totals for all columns	\$ 50,000.00

NOTE: If there is a change in the above budget, programs will need to request an amendment to their budget. All amendments must be requested in writing prior to the expenditure of funds.

SECTION 3. BUDGET NARRATIVE

In the space provided, explain the relationship between budgeted items listed in Section 2 and project activities. Include information (data and criteria) as to how you arrived at budget estimates. Discuss all items by category and in full.			
Personnel Narrative - Explain how the compensation and expenses were calculated, duties of the position, and any other information about personnel of the project. If proposed funding covers more than one position, you must identify the duties and estimated percent of time for duties that directly relate to the successful implementation of the program(s).			
Position #1:	Juvenile Probation/Diversion Officer		
Justification for the position :	Since the BIA has shut down the Tribe's only detention facility, the Oyate has no detention services for juveniles so we are in need of a qualified individual to help divert children away from detention and to provide counseling services in-house		
If the position is existing staff , explain how duties associated with this award are outside the current scope of their position and a provide a plan explaining how all duties associated with the position will continue to be provided and funded during this award:	No existing staff		
Personnel Responsibilities & Duties <i>(must directly relate to the implementation of the program)</i>			Estimated % Time
1. Provide services to all Juvenile Defendants to facilitate diversion away from detention			
2. Make referrals to appropriate service providers.			
3. Assist Juveniles in getting into treatment services, grief counseling, etc.			
4. Ensure communication with family of Juveniles.			
Wage/Salary:	\$38,000 per year		
Benefits:	\$12,000		
Position #2:			
Justification for the position :			
If the position is existing staff , explain how duties associated with this award are outside the current scope of their position and a provide a plan explaining how all duties associated with the position will continue to be provided and funded during this award:			
Personnel Responsibilities & Duties <i>(must directly relate to the implementation of the program)</i>			Estimated % Time
1.			
2.			
3.			
4.			
Wage/Salary:			
Benefits:			

Please attach additional sheets for more than 2 positions

SECTION 3. BUDGET NARRATIVE CONTINUED

Contracted Services Narrative - Explain the consultant fees, consultant expenses, contracted services, the cost per service/per youth being served, how the cost for services was calculated, and the process that would be or has been conducted to select the consultant. Contracted services fees cannot exceed \$650 per day.

Consultant #1:

Consultant
Fees:

Contracted
Service:

Selection
Process:

Consultant #2:

Consultant
Fees:

Contracted
Service:

Selection
Process:

Travel and Per Diem Narrative - Explain the calculation of travel costs for travel outside the home jurisdiction, (travel must be calculated at current state rates (\$0.42 per mile and \$32 per diem)), how the expenses are directly related to the implementation of the project, and if out-of-state travel is anticipated, give particulars (i.e., location, state, dates, purpose, cost).

Purpose of Travel:

[Mileage] x \$0.42 =

[Number of Travel Days for per diem] x \$32.00 =

Purpose of Travel:

[Mileage] x \$0.42 =

[Number of Travel Days for per diem] x \$32.00 =

Equipment and Operating Expenses Narrative - Explain the supplies and equipment costs directly related to the implementation of the program or project. You must be specific regarding the items in which you intend to use federal funding. For example, a budget item of "office expenses" will not be accepted as these items must be detailed. You need to identify what you anticipate for office expenses and list each item and the estimated costs. Items not specifically outlined will not be eligible for reimbursement.

Equipment - List nonexpendable items that are to be purchased and show how you calculated these costs. Nonexpendable equipment is tangible property having a useful life of more than 2 years.

Operating Expenses - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment) and show how you calculated these costs. Generally, supplies include any materials that are expendable or consumed during the course of the project.

SECTION 4. APPLICATION NARRATIVE

A. ABSTRACT AND DEMONSTRATION OF NEED

Provide a narrative overview of the proposed service including a demonstration of need through findings of assessments and data. Explain why the proposed service is the best option to address delinquency.

In the spring of 2017, the BIA shut down the Sisseton-Wahpeton jail which had served as the Tribe's temporary detention (less than 24 hours) for juvenile offenders who were a threat to themselves or others (suicidal, runaway, or violent offenders) in the absence of any mental health or treatment facility to place these offenders. The Oyate Court currently has a juvenile probation officer hired under a 2019 grant with this funding and she has been instrumental in supervising youthful offenders to keep them out of out-of-home placements. The Court is facing continued budgetary issues and cannot afford to fund a juvenile probation officer with court revenue and BIA dollars. It is critical to the operation of the Oyate Court's Juvenile Court that we maintain a probation officer to work with youthful offenders. Currently, she is supervising over 40 youths as probation officer and she has been working with the Tribe's schools and education department to intervene earlier in truancy cases to avoid school expulsions for truancy.

The Oyate Court continues to need a full-time Court employee to deal exclusively with juvenile offenders so this grant would assist the Oyate tremendously to that end. the Oyate Court processes over 200 juvenile offenses a year, the majority of which deal with drug and alcohol use and the young persons charged with these offenses often come from homes where drugs and alcohol have been a problem for their parents or other family members. with a full-time court probation/diversion officer, the Court can effectively focus on helping these young people deal with the issues they confront.

B. COMMUNITY READINESS

Describe your community's readiness to adopt a comprehensive juvenile delinquency prevention or supervision strategy specifically describing the following:

1. Community readiness and willingness to adopt the strategy;
2. Justice system readiness ;
3. School system readiness; and
4. Any barriers that may prevent change in your community.

Please attach letters of commitment from key leaders and agency partners describing their support and willingness to collaborate with you to implement juvenile delinquency prevention or supervision efforts.

The SWO Community is prepared to confront many of the issues the youth is facing in the Community and this is evident by its tough approach to drug abuse in the Community, which is the cause of many of the behaviors observed by the youth. The Oyate passed a very tough anti-drug law requiring adult offenders to complete treatment and imposing felony sentencing authority in the Court. The Oyate has been looking through its education department to assess the impact of the recent upswing in drug use in the Community on the children and have discovered an increase in drug use amongst children as well. The Court system is in need of more resources to work with juvenile offenders.

The Tribe has an education department that has been working closely with the Court to assess how the tribal schools and the Court can work closely together to address truancy and delinquent activities in the school. The Juvenile Probation Officer worked with that program in 2019 to streamline the truancy referral process to enable the Court Probation Officer to intervene earlier to avoid school expulsions. She has also been working with the local treatment providers to help them.

C. ASSESSMENT OF DELINQUENCY RISK AND PROTECTIVE FACTORS

Include a summary of assessments that have been conducted in your community to assess the prevalence of delinquency risk factors and protective factors as well as information on baseline data established through completing the following components.

1. Demographics of juveniles in the community
2. Juvenile justice delinquency risk factors
 - a. Juveniles taken into custody in the community
 - b. Top offenses for juveniles
 - c. Identify the top (2-5) delinquency risk factors and identify if they are related to the community, school, family, peers, individuals, or another source.
 - d. Prioritize the list of top delinquency risk factors and explain the process used to prioritize them.
3. Juvenile Justice Protective Factors
 - a. Identify protective factors and identify if they are related to the community, school, family, peers, individuals, or another source.
 - b. Which protective factors correlate with the identified top delinquency risk factors?

The Lake Traverse Indian Reservation extends into three states and includes all of Roberts County, South Dakota, and parts of Day, Grant, Codington, and Deuel Counties in South Dakota. Although the U.S. Supreme Court ruled that the reservation boundaries had been disestablished and that South Dakota courts have jurisdiction over actions arising on fee lands within the boundaries, the Oyate Courts have ruled that the Court continues to have the right to exercise jurisdiction over all juvenile offenders committing delinquent acts on the trust lands and tribal member children on the fee lands. The Oyate have over 13,000 members with more than half of them residing on the Lake Traverse reservation. The youth population is substantial with over 5,000 juveniles residing in the community. The Oyate Court deals with over 200 juvenile petitions each year that include traffic infractions, truancy petitions, CHINS Petitions, and delinquency petitions. The top offenses for juveniles are truancy, underage consumption, and curfew violations. Drugs have become an increasing problem for juveniles also. Truancy appears to be a contributing factor to additional delinquent behavior leading the Oyate to focus on trying to keep juveniles in school. Other delinquency factors appear to be exposure to alcohol in the family and lack of cultural knowledge by young persons of their role and responsibility in the Community.

The priority for the Oyate Court include Truancy (since this is a trigger for future criminal conduct), drug use by juveniles, and violent crimes committed by juveniles. These three issues need to be addressed immediately through more interventionist techniques.

Fortunately, the cultural practices and language preservation efforts are strong and these protective factors will be used to abate delinquent behavior.

C. ASSESSMENT OF DELINQUENCY RISK AND PROTECTIVE FACTORS CONTINUED

D. IDENTIFICATION OF AVAILABLE RESOURCES AND GAPS

Assess the gaps in resources needed to address delinquency risk factors by identifying what existing resources are available in the community (including Federal, State, local, and private providers) and which delinquency risk factors they address. Explain which top delinquency risk factors are not being addressed or could use more resources.

Explain which evidence-based program or service would be implemented based on the gaps in resources, needed protective factors, and data-driven decision making.

The Oyate has a strong Court system that works well with the Tribal Schools. The Oyate also has a comprehensive approach to education and social services that will aid the Court in addressing the problem areas for juvenile offenders. However, because there is only one individual at the Court whose sole responsibility is monitoring juveniles, there would be a lapse in a continuum of services for juveniles that will be addressed if this grant is not received. The Oyate funding for the Court has been cut substantially due to budgetary issues and BIA funding has remained low so this grant is critical to ensuring that juvenile offenders receive services.

E. STRATEGY FOR IMPLEMENTATION

Describe your strategy for implementing the chosen service (including goals, objectives, and a timetable).

The Juvenile Probation Officer has been tasked with developing MOUs with all other programs that work with juvenile offenders and their families including treatment, education, cultural, housing, youth, recreation, etc. The person will also identify all juveniles on probation and develop comprehensive probation plans for each juvenile.

Because this person is already on board, the program will now shift to the development of more comprehensive services for juvenile offenders, including more referrals to treatment providers, counseling services, and the Tribe's Mental Health programs led by Dr. Mason.

Goal :

Objective 1:

Activity 1:

Person responsible:
Estimated staff time:
Measurement of progress:
Completion date:

Activity 2:

Person responsible:
Estimated staff time:
Measurement of progress:
Completion date:

Activity 3:

Person responsible:
Estimated staff time:
Measurement of progress:
Completion date:

Objective 2:

Activity 1:

Person responsible:
Estimated staff time:
Measurement of progress:
Completion date:

Activity 2:

Person responsible:
Estimated staff time:
Measurement of progress:
Completion date:

Activity 3:

Person responsible:
Estimated staff time:
Measurement of progress:
Completion date:

Timetable of Implementation :

Retain Staff - Immediately.

Develop MOUs - 3 months.

Develop comprehensive juvenile probation agreements - 3 months.

E. DESCRIPTION OF PROGRAM TO BE IMPLEMENTED (IF APPLICABLE)

Provide or attach an overview of the evidence based program or other program to be implemented including the source, curriculum, and if the program would be implemented in the community or a school based setting. If you will be developing a curriculum, provide an explanation of why available evidence based programs would not work and a time table of the development and implementation.

F. DESCRIPTION OF PROGRAM GEOGRAPHIC BOUNDARIES

Briefly describe the neighborhood or community boundaries in which your service will operate. You may also include a map of the area served as an attachment.

Lake Traverse Indian Reservation.

G. PERFORMANCE MEASURES

If awarded, you will be required to report on output and outcome performance measures that are predetermined by federal regulations. Each subgrantee is responsible for collection and reporting this information on a quarterly basis.

As the project manager for the SFY2022 Native American Program subgrant, I agree to collect and report true and accurate data on a quarterly basis for the mandatory performance measures if awarded.

Which app

(printed name)

(signature)

(date)

H. TARGET POPULATION

Provide an overview of the participants eligible for participation through using the table below.

Target Population Details (Place an "X" in the box to the left of all those that apply)					
Race(s):		Offender Type(s):		Geography:	
<input checked="" type="checkbox"/>	American Indian/Alaskan Native		At-Risk Population (no prior offense)		Rural
	Asian		First Time Offenders		Suburban
	Black/African American		Repeat Offenders		Tribal
	Hispanic or Latino (of any race)		Sex Offenders		Urban
	Other Race		Status Offenders		
	White/Caucasian		Violent Offenders		
Sex:		Referral Source:		Age:	
<input checked="" type="checkbox"/>	Female	<input checked="" type="checkbox"/>	School	<input checked="" type="checkbox"/>	Court System
<input checked="" type="checkbox"/>	Male		State's Attorney	<input checked="" type="checkbox"/>	Other
					Under 11
					12-13
					14-15
					16 -18

I. SUSTAINABILITY/FUTURE FUNDING PLAN

As with all grants, funding cannot be guaranteed each year, the budget may be smaller from year to year, the grant process may become competitive, and/or federal requirements may change. Explain how your project would be supported if your Tribe is not awarded NAP funds in future funding years.

Tribe is looking to apply for a Tribal youth grant under CTAS through DOJ.

SECTION 5. JJDPa COMPLIANCE REQUIREMENTS

In order to access Formula Grant funds under the Native American Programs sub grant solicitation, Tribes performing their own law enforcement and operating secure facilities are required to submit youth custody information to determine compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (Act), as amended. The Act requires that these Tribes agree to comply with the requirements of removal of status offenders from secure custody, separation of juveniles from adult offenders and removal of juveniles from adult jails and lockups. The information collected here will be used to determine if the submitting Tribe is in compliance with the requirements of Act. Tribes that perform their own law enforcement and operate secure facilities that are not in compliance or not submitting information will NOT be eligible for funding under the Native American Programs solicitation.

<i>Native American Programs Subgrant</i>	
Facility Admission Data	
Period for Data:	January 1, 2020 – December 31, 2020
Tribe Submitting:	Sisseton-Wahpeton Oyate
Contact Name:	Mary High Eagle
Title:	Administrator
Contact Address:	
Contact City, State, & Zip:	
Contact Phone:	
Contact Fax:	
Contact Email:	

Provide a list of **ALL** locations that are located on the applying reservation which could be used to detain a juvenile or adult offender pursuant to public authority:

Juvenile Detention Facilities:		
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
Roberts County	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
Day County	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
Juvenile Correctional/Residential Facility:		
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
Adult Jail:		
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
Law Enforcement/Adult Lockup:		
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure

SECTION 5. JJDP COMPLIANCE REQUIREMENTS CONTINUED

Please complete the Facility Admission Data forms for Calendar Year 2020 for **EACH secure facility** operated by the applying Tribe. If violations are identified, you will be required to provide a detailed plan outlining the steps the Tribe will take to prevent further violations of the JJDP Act. For the purposes of the data forms:

- ☐ Juveniles held in a secure juvenile detention or secure juvenile correctional/residential facility should be recorded under Secure Juvenile Facility.
- ☐ Juveniles held in jail should be recorded under Jail/Lockup.
- ☐ Juveniles held in a secure setting within a law enforcement agency should be recorded under Jail/Lockup.
- ☐ Juveniles held in a colocated facility (jail and detention located in the same building) should be recorded based on the physical location of the juvenile during the period held within the building (detention verses jail).

If the information on the Facility Admission Data forms cannot be completed, the following exceptions may be made:

1. If the Tribe does not operate a facility, please provide:
 - A written description of each location that is used to hold juveniles and define which juveniles are appropriate for placement in each of the locations.
 - A written plan which outlines the steps that will be taken to ensure compliance with the requirements of Deinstitutionalization of Status Offenders, Jail Removal, and Sight and Sound Separation when determining an outside placement.
- OR
2. If your system does not currently have the ability to track some of the information, you must provide a detailed plan outlining what will be done in order to collect it in the next data collection cycle. Failure to submit a plan will be deemed as a finding of non-compliance and you will be ineligible to receive funding under the NAP subgrant solicitation.

2020 Facility Admissions – Secure Juvenile Facility

Secure Juvenile Facility:

Note: Facility admission information should come from the facility that admits offenders. If a Tribe does not have a facility, they should make a note of what facility is used and what entity runs it. Admissions to facilities run by an entity other than the Tribe should not be reported.

	Male	Female	Total
Number of juveniles that are admitted to the facility that have not committed a delinquent or status offense.*			
<i>Nonoffender: A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are referred to by many names including Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).</i>			
Number of juveniles that are admitted to the facility that have committed a status offense.			
<i>Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offenses: Truancy, Violations of curfew, Unruly, Runaway. Underage possession and/or consumption of tobacco products. Underage possession and/or consumption of alcohol. This offense is always considered a status offense, even though State or local law may consider it a delinquent offense.</i>			
Number of juveniles held for status offenses that were in the facility for less than 24 hours.			
Number of status offenders held under 24 hours when excluding weekends and holidays.			
<i>Number of juveniles held for status offenses that were in the facility for less than 24 hours when excluding weekends and holidays. Juveniles held over a typical weekend would fall into this category if they were held for less than 72 hours. Juveniles held over a three-day weekend would fall into this category if they were held for less than 96 hours.</i>			
Number of status offenders held over 24 hours when excluding weekends and holidays*			
<i>Number of juveniles held for status offenses that were in the facility for more than 24 hours when excluding weekends and holidays. Juveniles held over a typical weekend would fall into this category if they were held for more than 72 hours. Juveniles held over a three-day weekend would fall into this category if they were held for more than 96 hours.</i>			
Number of status offenders held over 24 that meet the valid court order exception			
<i>Number of juveniles held over 24 that meet the valid court order exception. In order to claim a valid court order exception, the facility must have notified an appropriate agency of the violation, an assessment of the juvenile's needs must be done within 24 hours of admission, and within 48 hours of the admission the assessment must be presented to the courts and a determination must be made as to whether there is reasonable cause to believe that the juvenile violated the court order.</i>			
Number of juveniles that are admitted to the facility that have committed a delinquent offense.			
<i>Delinquent offender: A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).</i>			
Total Number of juveniles admitted to detention			

*If there are any situations identified as violations, a condition will be placed on the funding which requires the Tribe to work with DOC Formula Grant Staff to develop a detailed plan for providing alternative options for dealing with these youth in order to avoid future violations of the JJDP Act.

2020
Facility Admissions – Adult Jail/Lockup

Adult Jail/Lockup Name: _____

Note: Facility admission information should come from the facility that admits offenders. If a Tribe does not have a facility, they should make a note of what facility is used and what entity runs it. Admissions to facilities run by an entity other than the Tribe should not be reported.

Is the facility able to provide sustained sight and sound separation between adult and juvenile detainees within the facility? (Answer yes or no.) _____ No _____ Yes

(If yes, what physical structures are in place to ensure sight/sound separation? In addition, what policies are in place to ensure the juveniles are separate?) _____

	Male	Female	Total
Number of juveniles that are admitted to the facility that have not committed a delinquent or status offense.*			
<i>Nonoffender: A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are often referred to as Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).</i>			
Number of juveniles that are admitted to the facility that have committed a status offense.*			
<i>Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offenses: truancy, violations of curfew, unruly, runaway, underage possession and/or consumption of tobacco products, underage possession and/or consumption of alcohol. This offense is always considered a status offense, even though State or local law may consider it a delinquent offense.</i>			
Number of juveniles that are admitted to the facility that have not committed a delinquent offense.			
<i>Delinquent offender: A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).</i>			
Number of juveniles held for delinquent offenses that were in the facility for less than 6 hours.			
Number of delinquent offenders held over 6 hours but under 48 hours*			
<i>Number of juveniles held for delinquent offenses that were in the facility for less than 48 hours.</i>			
Number of delinquent offenders held over 48 hours.*			
<i>Number of juveniles held for delinquent offenses that were in the facility for more than 48 hours.</i>			
Total Number of juveniles admitted to jail			

*If there are any situations identified as violations, a condition will be placed on the funding which requires the Tribe to work with DOC Formula Grant Staff to develop a detailed plan for providing alternative options for dealing with these youth in order to avoid future violations of the JJDP Act.

SECTION 6. CONFLICTS OF INTEREST, SPECIAL CONDITIONS AND ASSURANCES

Council of Juvenile Services Conflict of Interest Identification

Please identify which Council of Juvenile Services Members, if any, appear to have a conflict of interest with your application and provide a brief narrative explaining the potential conflict of interest.

A council member derives a direct benefit from the contract if one or more of the following is true of the member, the member's spouse, or a person with whom the member lives with and commingles assets:

- 1) Has a five percent ownership or other interest in an entity that is a party to the contract;
- 2) Derives income, compensation or commission directly from the contract or from the entity that is a party to the contract;
- 3) Acquires property under the contract; or
- 4) Serves on the board of directors of an entity (including a nonprofit) that derives income or commission directly from the contract or acquires property under the contract.

"Direct benefit" does not include gain from a contract based solely on the value of a council member's investment in an entity that is a party to the contract, if that investment represents less than a five percent ownership in the entity. It also does not apply to contracts or transactions where the council member only benefits from an act of the Council of Juvenile Services that has general application, such as a decision by the Council of Juvenile Services to increase or decrease a fee that many South Dakotans pay.

Current Members

Beth O'Toole, Chair and Professor at the University of Sioux Falls;
Sara McGregor-Okroi, Vice-Chair and Director of Aliive-Roberts County.
Dadra Avery, School Counselor at Sturgis Brown High School;
Pat Bad Hand, Rosebud Sioux Tribe Detention Center;
Mason Best, Youth Member;
Judge Tami Bern, First Judicial Circuit Judge;
Keegan Binegar, Youth Member;
Kristi Bunkers, Department of Corrections Director of Juvenile Services;
Kim Cournoyer, Service Provider at Great Plains Psychological Associates;
Charles Frieberg, Director of Trial Court Services;
Tiffany Glaser, Department of Social Services JJRI Program Manager;
Daniel Hagggar, Minnehaha County States Attorney;
Cindy Heiberger, Minnehaha County Commissioner;
Doug Herrmann, Executive Director of The Club for Boys;
Sheriff Brad Howell, Codington County Sheriff;
Angela Lisburg, Avera Saint Mary's Hospital;
Dave McNeil, Aberdeen Police Department Chief;
Betty Oldenkamp, Chair and CEO of Lutheran Social Services;
Tierney Scoblic, Youth Member; and
Cassidy Wright, Youth Member.

Council Member:

Description of potential conflict of interest:

Council Member:

Description of potential conflict of interest:

Council Member:

Description of potential conflict of interest:

The following information contains the general conditions and assurances as necessary for recipients of funding awarded under this application. Please note that final assurances and conditions may be different than those stated below based on the composition of the individual program. Signature under this section indicates that the applying agency understands that a successful subgrant award under this application you will be subject conditions and awards comparable to those as follows.

General Award Conditions:

1. The Subgrantee agrees to comply with all Formula Grant program requirements.
2. The Subgrantee agrees to obligate and expend the grant amount within the subgrant award period.
3. The Subgrantee agrees to provide all program reports that are requested by the SD Department of Corrections or the Office of Juvenile Justice and Delinquency Prevention by their due date as requested.
4. The Subgrantee agrees to provide all Performance Measure Data and Program Specific data to the SD Department of Corrections.
5. The Subgrantee agrees to request reimbursement on a monthly basis and for only those expenditures outlined in the application approved by the SD Department of Corrections. Claims sheet and all supporting documentation must be submitted within 30 days of the end of the month that the services were paid.

Assurances: The Subgrantee hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F. R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The Subgrantee also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. The subrecipient's conflict of interest policy is to be provided to the SDDOC upon request for review.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements applicable to providing services pursuant to this Agreement and will be solely responsible for obtaining current information on such requirements. It will comply with all lawful requirements imposed by the awarding agency, specifically including applicable regulations 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 46, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); The Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disability Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity -
 - a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and

- b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.
8. It will provide language services for limited English proficiency (LEP) individuals as needed in order to provide services as covered under this award in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
9. Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)."
10. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," subrecipients are encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
11. Any website that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages, and on any pages from which the visitor may access or use a web-based services "This web site is funded through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, the web site."

Equal Employment Opportunity Plan (EEOP): Pursuant to 28 C.F.R. §§ 42.301-.301, applicant must take one of the following actions: either submit an EEOP to the SDDOC for submission to the Office for Civil Rights (OCR) for review, maintain an EEOP on file, or submit an EEOP Certification form to the SDDOC for submission to the OCR in order to monitor the subrecipients compliance with the EEOP requirement.

Non-supplanting Requirements: Funds or other resources of the applicant normally devoted to programs and activities designed to meet the needs of criminal justice will not be diminished in any way as a result of a grant award of federal funds. The project for which assistance is being requested will be in addition to, and not a substitute for, criminal justice services previously provided without federal assistance.

Audit Requirement: Acceptance of this grant award requires the subgrantee organization or governmental entity to include this subgrant in the scope of their regularly scheduled annual or biennial audit. The audit must be conducted in accordance with the appropriate OMB Circular (A-128, A-133, A-102/Common Rule). If applicable, the subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the subrecipient's website

Termination Provision: This Agreement may be terminated by the SDDOC hereto upon thirty-(30) days written notice. In the event the applicant/subgrantee breaches any of the terms or conditions hereof, the SDDOC may terminate this Agreement at any time with or without notice. If termination for such default impacts the SDDOC, any payments due to the applicant/subgrantee at the time of termination may be adjusted to cover any additional costs to the SDDOC because of the applicant/subgrantee's default. Upon termination, the SDDOC may assume the responsibility for the project or may award another party funds to complete the work under this Agreement. If after termination for default by the applicant/subgrantee it is determined that the applicant/subgrantee was not at fault, then the applicant/subgrantee shall be paid for eligible services rendered and expenses incurred up to the date of termination.

Insurance Provision: The Subgrantee, at all times during the term of this Agreement, shall obtain and maintain in force insurance coverage of the types and with the limits as follows:

- o Commercial General Liability Insurance: The Subgrantee shall maintain occurrence based commercial general liability insurance or equivalent form with a limit of not less than **\$1 million** for each occurrence. If such insurance contains a general aggregate limit it shall apply separately to this Agreement or be no less than two times the occurrence limit.
- o Professional Liability Insurance or Miscellaneous Professional Liability Insurance: The Subgrantee agrees to procure and maintain professional liability insurance or miscellaneous professional liability insurance with a limit not less than **\$1 million**.

- o Business Automobile Liability Insurance: The Subgrantee shall maintain business automobile liability insurance or equivalent form with a limit not less than **\$1 million** for each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles.
- o Worker's Compensation Insurance: The Subgrantee shall procure and maintain workers' compensation and employers' liability insurance as required by South Dakota law.

Before beginning work under this Agreement, the Subgrantee shall furnish the State with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Agreement and which provide that such insurance may not be canceled, except on 30 days prior written notice to the State. The Subgrantee shall furnish copies of insurance policies if requested by the State. Such insurance shall contain no special limitations or exclusions as they may relate to this agreement.

Default Provision: This Agreement depends upon the continued availability of federal funds awarded to the SDDOC and appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds rejections, this Agreement will be terminated by the State. Termination for any of these reasons is not default by the State nor does it give rise to a claim against the State. Failing to provide monthly reimbursement and quarterly progress reports may result in termination of the subgrant award.

Amendment Provision: This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof and be signed by an authorized representative of each of the parties hereto.

Venue Clause: This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

Subcontractors Provision: The Subgrantee may only use subcontractors to perform the services as outlined in their approved grant proposal. Any additional subcontracts or awards may only be granted with the express prior written consent of the State. The Subgrantee will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. The Subgrantee will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.

Subgrantee Agreement: It is understood and agreed by the Subgrantee that any grant received as a result of this application shall be subject to the Special Assurances and Conditions and other policies, regulations, and rules issued by the Department of Justice for the administration of grant projects under (P.L. 100-690) including, but not limited to, the following:

1. Competitive bids must be obtained for all equipment, construction and contracted services applications, as required by applicable local, state, or federal law or regulations.
2. If any agency other than the applicant is to contribute supporting or local funds, the Applicant must document the contribution.
3. Any funds awarded under one subgrant cannot be used in another.
4. Expenses or expenditures for items not listed in the original budget will not be reimbursed. Variances from the approved budget will require a budget amendment approved in advance by SD Department of Corrections.
5. All applicants are subject to federal, state, and local laws and regulations.
6. The Subgrantee shall not obligate any funds until the SD Department of Corrections formally awards subgrant.
7. The Subgrantee agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
8. Reimbursement of expenses is contingent upon submission of monthly financial reports.

9. The Subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of SD Department of Corrections and OJP.
10. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds shall clearly state: 1) the percentage of the total cost of the program or project which will be financed with federal money, and 2) the dollar amount of federal funds for the project or program.
11. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, disability, or age against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs and to the SD Department of Corrections.
12. The Subgrantee agrees to hold harmless and indemnify the State of South Dakota, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings which may arise as a result of performing services hereunder. This section does not require the Subgrantee to be responsible for or defend against claims of damages arising solely from acts or omissions of the State, its officers or employees. Nothing in this Agreement shall be construed as a waiver of sovereign immunity or consent to jurisdiction in any court other than the courts of the Unified Judicial System of the State of South Dakota.

State of South Dakota Grant Subrecipient Attestation:


If awarded, the subgrantee will attest to meeting the following requirements per SDCL 1-56-10:

1. A conflict of interest policy is enforced within the subrecipient's organization;
2. The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the subrecipient's website;
3. An effective internal control system is employed by the subrecipient's organization; and
4. If applicable, the subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the subrecipient's website.


The officials who certify this document agree to adhere to all terms and conditions relating to this application. Duplication of responsibilities by one individual for any position listed below is NOT acceptable.

Original Signatures are Required

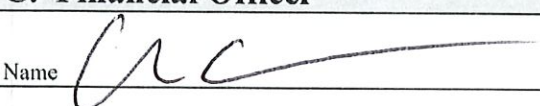
Chief Executive Officer

Name	Dellbert Hopkins Jr		Title	Tribal Chairman	
Address	12554 BIA Hwy 711		City/State/Zip	Agency Village SD 57262	
E-mail			Phone	605-698-3911	Fax
Signature			Date	5-28-21	

B. Project Director

Name	Mary High Eagle		Title	Court Administrator	
Address	12554 BIA Hwy 711		City/State/Zip	Agency Village SD 57262	
E-mail	MARY.H@SWO-NSN.GOV		Phone	698-7629	Fax
Signature			Date	5/28/2021	

C. Financial Officer

Name			Title	Comptroller	
Address	12554 BIA Hwy 711		City/State/Zip	Agency Village SD 57262	
E-mail			Phone	605-698-3911	Fax
Signature	Christopher Adams		Date	5-28-21	

D. Other Official

Name			Title		
Address			City/State/Zip		
E-mail			Phone		Fax
Signature			Date		

SECTION 7. ATTACHMENTS

Description of Attachments – Identify and describe the significance of all additional materials you include as attachments. Please limit additional materials to items such as program effectiveness documentation; pertinent letters of support or commitment; research documentation; resource documentation; and any other materials. Attach all additional documents following this page.

Attachment 1
Attachment 2
Attachment 3
Attachment 4
Attachment 5
Attachment 6

ENCLOSE RELEVANT ATTACHMENTS AFTER THIS PAGE